

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL R. LITTLE  
PRO PER

FILED  
SCRANTON

OCT 20 2017

Judge  
CIVIL NO: 1:17-CV-1915

JURY TRIAL DEMAND

V  
D. EBBERT ET AL  
DEFENDANT

DEFENDANTS SUED COL-  
LECTIVELY, INDIVIDUALLY

DEPUTY CLERK

BIVENS / FTCA

I JURISDICTION

7TH AMEND. COMMON LAW RIGHT TO JURY TRIAL

II PARTIES

1. PLAINTIFF: MICHAEL R. LITTLE #13245-007 CURRENTLY  
INCARCERATED IN USP-FLORENCE "HIGH" COLORADO  
P.O. BOX 7000, FLORENCE, CO 81226

2. DEFENDANT: 1. D. EBBERT (WARDEN) 2. K. PIROS (MD/CLIN-  
ICAL DIR.) 3. F. ALAMA (MLP) 4. F. FASCIANA (MLP) 5. MS. WARNER  
(R/N) DEFT. USP-LEWISBURG P.O. BOX 1000 LEWISBURG, PA 17837

III EXHAUSTION

"PLAINTIFF DISAVOWS THE PLRA AS BEYOND THE DELE-  
GATED POWERS OF CONGRESS" [TAKE NOTICE]  
PG. 66 OF THE U.S. GOVERNMENT MANUAL DEFINES  
"LOWER COURTS" AS:

"ART. III OF THE CONSTITUTION DECLARES IN SECT. 1  
THAT THE JUDICIAL POWER OF THE UNITED STATES  
SHALL BE INVESTED IN ONE SUPREME COURT AND  
IN SUCH INFERIOR COURTS AS CONGRESS MAY FROM  
TIME TO TIME ORDAIN AND ESTABLISH. THE SUPREME  
COURT HAS HELD THAT THESE CONSTITUTIONAL

COURTS... SHARE IN THE EXERCISE OF THE JUDICIAL POWER DEFINED IN THAT SECTION, CAN BE INVESTED WITH NO OTHER JURISDICTION AND HAVE JUDGES WHO HOLD OFFICE DURING GOOD BEHAVIOR WITH NO POWER IN CONGRESS TO PROVIDE OTHERWISE.

(Emphasis add to show mandate)

AS THIS BOOK IS THE OFFICIAL HANDBOOK OF THE FEDERAL GOVERNMENT BY THE FEDERAL REGISTERS OFFICE, THIS COURT MUST TAKE "JUDICIAL NOTICE" THAT THE PLRA OR ANY OTHER ACT OF CONGRESS CAN PROVIDE JURISDICTION WHEN INMATES MAKE CONSTITUTIONAL CLAIMS, NO FEE CAN BE CHARGED AND NO PROCEDURAL OR TIME BAR CAN BE IMPOSED EXHAUSTION IS NOT REQUIRED OR IS EXCUSED FOR CAUSE AND PREJUDICE. DUE TO PRISON STAFF INTERFERENCE OF EXERCISE RIGHTS SECURED IN THE BILL OF RIGHTS

#### IV CLAIMS

1. DEFENDANT D. EBBERT WAS WELL AWARE OF POTENTIAL HARM TO PLAINTIFF, DUE TO REMEDY # 829404-F1 AND DEFENDANT FAILED TO REMEDY ISSUE, WHICH CONSTITUTE DELIBERATE INDIFFERENCE, RESULTED IN PLAINTIFF INJURIES (SPLIT LEFT EYE ON LEFT SIDE OF FACE REQUIRED GLUE STITCHES TO CLOSE SORE BACK, LEFT KNEE INJURY, DIZZY SPELLS, BLACK-OUTS ALL RESULTED (2-18-16) WHEN PLAINTIFF FELL OFF TOP BUNK-BED WHILE GETTING DOWN TO GET MEDICATION AND "NO" LADDER TO USE, BUT PLAINTIFF FOOT SLIPPED FROM TABLE GETTING DOWN FROM TOP BED... DEFENDANT EBBERT WAS WARDEN AT TIME OF ACTUAL INJURY, BUT HAD MORE THAN ENOUGH TIME TO HAVE LADDERS ON "9" UNIT CELLS OR JUST SEND PLAINTIFF TO "X" UNIT WITH SOME BEDS WITH LADDERS. SEE REMEDY # (829404-F1)... "NOTE" USP-LEWISBURG (SMU) "9" UNIT AND OTHER UNITS SOME BEDS DON'T HAVE LADDERS, THIS ALONE

violate

Also defendant KNEW USP-LEWISBURG (SMU) CELLS ON "9" UNITS WAS NOT FIT TO HOUSE (2) MEN IN EXTREMELY SMALL CELLS THAT PUT INMATES IN MORE HARM BY EXPOSURE TO "HOT" HEATING PIPES. ALL INJURIES PLAINTIFF SUFFERED 2-18-16 WAS DIRECT RESULT OF DEFENDANT EBBERT IGNORE SERIOUS ISSUES BROUGHT TO HIS ATTENTION IN REMEDIES (829 404-FI, 854424-FI, 858874-FI, 867121-FI)

2. DEFENDANT: PIGOS IS (MD) AT USP-LEWISBURG (SMU) AND WAS WELL AWARE OF PLAINTIFF MEDICAL INJURY (DDD) DEGENERATED DISLOCATED DISK IN BACK IN WHICH ABOUT BETWEEN 5-3-14 UP TO THIRD WEEK OR END OF MAY 2014 PLAINTIFF SAW PIGOS AND REQUESTED FOR BOTTOM BUNK PASS DUE TO (DDD) INJURY AND TIGHTNESS TO BACK AND PIGOS DEFENDANT DENY REQUEST DESPITE PLAINTIFF MEDICAL FILE CLEARLY STATING (DDD) INJURY. THIS CONSTITUTE DELIBERATE INDIFFERENCE, IN WHICH PIGOS ACTS WAS DIRECT RESULT TO PLAINTIFF INJURIES 2-18-16. MOREOVER, PLAINTIFF WAS NOT SUPPOSE TO BE ON TOP BUNK BED PERIOD.

3. DEFENDANT: FASCIANA WAS/IS "9" UNIT USP-LEWISBURG (SMU) MEDICAL STAFF/PA AND SINCE PLAINTIFF ENTRY OF USP-LEWISBURG (SMU) 4-28-14 ONGOING AND CONTINUOUS PLAINTIFF GAVE FASCIANA MANY/DAILY SICK CALL SLIPS REQUESTING FOR BOTTOM BUNK PASS DUE TO (PERMANANT) BACK INJURIES, BUT PLAINTIFF NEVER GOT MEDICALLY SEEN FOR THE ISSUES WHICH GIVE REASON TO BELIEVE FASCIANA DESTROYED SICK CALL SLIPS. PLAINTIFF WANTED SURGERY ON HIS BACK OR TREATMENT FOR (DDD) INJURY. FASCIANA ACTS ARE DIRECT RESULT OF PLAINTIFF

## INJURIES 2-18-16

4. DEFENDANT: WARNER FAILED TO DELIBERATELY log ALL PLAINTIFF INJURIES 2-18-16 SPLIT LEFT EYE, SORE NECK/BACK, AND WARNER ORDERED (MLP) MR. ALAMA DON'T USE REGUIAR STITCHES, BUT USE GIVE STITCHES TO CLOSE PLAINTIFF FACE WOUND. ALSO WARNER DENIED TO GIVE PLAINTIFF TEMPORARY bottom bunk PASS

5. DEFENDANT: F. ALAMA (MLP) FOLLOWED ORDERS OF MS. WARNER 2-18-16 IN HEALTH SERVICE AND DID NOT USE HARD STITCHES TO CLOSE FACE WOUND ON PLAINTIFF ALSO ALAMA TO REFUSED TO GIVE PLAINTIFF TEMPORARY bottom bunk PASS WHEN THEY KNEW PLAINTIFF JUST FELL OFF TOP BUNK AND WOULD STILL HAVE TO CONTINUOUS GET OFF TOP BUNK TO GET MED ETC WITH NO LADDER.

## SUMMARY

DEFENDANTS WILLFULLY VIOLATED PLAINTIFF CONSTITUTIONAL RIGHTS 5<sup>th</sup>, 8<sup>th</sup>, 14<sup>th</sup> THROUGH DELIBERATE INDIFFERENCE WHEN DEFENDANT EBBERT FAILED TO PUT LADDERS ON 9 UNIT BEDS OR MOVE PLAINTIFF TO UNIT WITH SUCH LADDERS, MOREOVER PLAINTIFF WAS NOT TO BE CELLED WITH INMATE IN SMALL CELL F.T FOR (1) INMATE PERIOD.

FROM ABOUT 4-28-14 PLAINTIFF WAS CONFINED IN USP. LEWISBURG (SMU) HOUSED IN "9" UNIT WITH A CELL MATE AND SUCH CELLS IN "9" UNIT ARE NOT FIT TO HOUSE (2) INMATES. THIS VIOLATE (OCEA)

), PS. 1060.11(7)(b)(1)(a); 28 CFR 541.21(c)(2) ALSO ITS SUPPORTING CASE LAW SEE BAKER V HOLDER 787 F. SUPP. 1008 (D. KAN. 1992) WHERE THE AMERICAN PUBLIC HEALTH ASSOCIATION (APHA) CALLS FOR 60 SPACE FEET PER PERSON WHERE THE CELL IS OCCUPIED FOR (10) HRS. OR MORE PER DAY.

THE COURTS HAVE RULED AGAINST DOUBLE CELLING IN SPACE LESS THAN 35 SQ. FT. UNENCUMBERED PER MAN CANNOT BE DOUBLE CELL AND PROHIBITED BY LAW. BAKER V. HOLDER (D. KAN 1992) USP. LEWISBURG (SMU) ACCREDITED BY THE (APHA) AND (ACA) AND IS RECEIVING FUNDING UNDER FRAUD BECAUSE THEY ARE NOT MEETING THE MINIMAL STANDARDS TO STAY OPERATIONAL.

DUE TO FORCED CELLING (DOUBLE) IN A CELL DESIGNATED FOR ONLY SINGLE CELL OCCUPANCY, I HAVE SUFFERED A PRODIGIOUS NUMBERS OF INJURIES. THE INJURIES INCLUDE BUT NOT LIMITED TO: INTENTIONAL INFLECTION OF EMOTIONAL DURESS RESULTING IN INJURIES TO MY NERVOUS SYSTEM, PSYCHOLOGICAL STATE, SLEEP DEPRIVATION, INSOMNIA, MIGRAINES, PARANDIA, EXTREME STRESS, ANXIETY AND 2-18-16 FELL OFF TOP BUNK WITH NO LADDER TO GET MY PM MEDICATION RESULTING TO INJURIES, SPLIT LEFT EYE, LOWER BACK INJURIES AND LEFT KNEE INJURIES, SORE NECK

## CONCLUSION

PLAINTIFF STATES THAT HAD DEFENDANT EBBERT FOLLOWED POLICY HEREBY NOT DOUBLE CELL INMATES IN CELLS FIT FOR (1) INMATE AND PLACED LADDERS IN 9 UNIT CELLS PLAINTIFF WOULD NOT HAD THIS INJURY TO HIS PERSON. THE REMEDIES STATED CONSTITUTE DELIBERATE INDIFFERENCE TO DEFENDANTS.

## RELIEF

FOR DAMAGES PLAINTIFF ENDURED PLAINTIFF REQUEST MONIES IN THE AMOUNT OF ACTUAL AWARD \$ 25,000.00 PUNITIVE AWARD \$ 25,000.00 AND THAT THIS COURT GRANT PLAINTIFF ANY OTHER RELIEF IT DEEMS NECESSARY IN ACCORDANCE WITH LAW. RESPECTFULLY PLAINTIFF ASK THE COURTS FOR A TOTAL OF \$ 50,000.00

10-9-17

MICHAEL R. LITTLE

# 13245-007

USP. FLORENCE "High"

P.O. BOX 7000

FLORENCE, CO 81226

MICHAEL R. LITTLE  
PLAINTIFF

✓  
D. EBBERT ET AL  
DEFENDANT

### AFFIDAVIT OF TRUTH

"IN DEED NO MORE THAN AFFIANT IS  
NECESSARY TO MAKE THE PRIMA FACIE  
CASE." U.S. V. KIS

PLAINTIFF STATE FOREGOING TRUE.

1. UPON PLAINTIFF COMING TO USP-LEWISBURG (SMU)  
4-28-14 HE TRIED TO GET PIGOS(MD) TO GIVE HIM  
BOTTOM BUNK PASS DUE TO SERIOUS BACK INJURIES  
ONLY TO NO AVAIL... ALSO CONTINUOUSLY PLAINTIFF  
GAVE FASCIANA (MLP) MANY SICK CALL SLIPS TO AGAIN  
GET BOTTOM BUNK PASS/BACK SURGERY, BUT PLAINTIFF  
WAS NEVER SEEN FOR SICK CALL WHICH CONCLUDE  
FASCIANA TRASHED DAILY SICK CALL SLIPS GIVEN  
TO HIM.

2. PLAINTIFF REMEDY 829404-F1 ALERTED DEFENDANT EBBERT  
SERIOUS RISK OF PLAINTIFF ALMOST BROK HIS NECK  
GETTING DOWN OFF TOP BUNK WITH NO LADDER TO  
GET HIS PM MEDS, BUT EBBERT FAILED TO REMEDY  
ISSUES AS PLAINTIFF REQUESTED AS IN (PUT LADDERS  
IN ALL UNITS) SO WHEN PLAINTIFF INJURIES 2-18-16  
CONSTITUTE DELIBERATE INDIFFERENCE ON EBBERT.

ALSO EBBERT IS AWARE THAT SUCH CELLS IN "9" UNIT  
3. IS NOT FIT TO HOUSE (2) INMATES AND THAT  
NO LADDERS IN CELLS PLACE INMATES AT RISK OF  
HARM

3. FASCIANA (MLP) WILLFULLY ACCEPTED DAILY SICK CALL  
PG. 1 OF 2

SLIPS FROM PLAINTIFF ON "9" UNIT PERTINENT TO RECEIVING BOTTOM BUNK PASS / SURGERY FOR BACK INJURY. BUT PLAINTIFF NEVER GOT SEEN FOR SICK CALL, WHICH SUPPORT FASCIANA TRASHED THE SICK CALL SLIPS.

4. ALL REMEDIES SUPPORT DEFENDANTS COULD HAVE PREVENTED PLAINTIFF 2-18-16 INJURIES

5. 2-18-16 ALAMA FAILED TO FOLLOW HIS MEDICAL DUTIES BY FOLLOWING ORDERS OF MEDICAL STAFF WARNER AND NOT PROVIDING STITCHES TO CLOSE PLAINTIFF WOUND, BUT USED GLUE FOR WOUND WITHOUT GIVING TEMPORARY BOTTOM BUNK PASS KNOWING PLAINTIFF JUST FELL OFF TOP BUNK DUE TO NO LADDERS ON BED.

6. DEFENDANTS ARE LIABLE FOR PLAINTIFF CONSTITUTIONAL RIGHTS BEING VIOLATED UNDER DELIBERATE INDIFFERENCE, WHICH SUPPORTS PLAINTIFF ATTACHED CIVIL ACTION, WHEREBY RELIEF CAN BE GRANTED TO PLAINTIFF.

UNDER PENALTY MICHAEL LITTLE 13245-007 STATE THIS ABOVE TRUE AND CAN TESTIFY IN COURT

10-9-17 michael little 13245-007  
PG 2 OF 2



PURPLE HEARTS

FOREVER USA

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA  
JAN 20 2017  
FEDERAL BLDG. and U.S.  
COURTHOUSE  
235 NORTH WASHINGTON  
AVENUE  
P.O. Box 1148  
Scranton, PA 18501-1148

USMS X-RAY

MICHAEL LITTLE 13245-007  
UNITED STATES PENITENTIARY  
FLORENCE "High"  
P.O. Box 7000  
FLORENCE, CO 81226

LEGAL RECEIVED  
SCRANTON

MAIL OCT 20 2017

PER

DEBIA CLERK

18501-114848

